

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE TRICOR INDIRECT PURCHASER
ANTITRUST LITIGATION

)
) Civil Action No. 05-00360
) (KAJ)(consolidated)
)

THIS DOCUMENT RELATES TO:

PAINTERS' DISTRICT COUNCIL NO. 30
HEALTH AND WELFARE FUND and
RICHARD G. WILDE, C.A. No. 05-360(KAJ)

VISTA HEALTH PLAN, INC. and ROSS
LOVE, C.A. No. 05-365 (KAJ)

PENNSYLVANIA EMPLOYEES BENEFIT
TRUST FUND, C.A. No. 05-390 (KAJ)

ALLIED SERVICES DIVISION WELFARE
FUND and HECTOR VALDES, C.A. No. 05-
394 (KAJ)

DIANA KIM, C.A. No. 05-426 (KAJ)

ELAINE M. PULLMAN, NEIL
PERLMUTTER, HELENA PERLMUTTER and
LULA RAMSEY, C.A. No. 05-450 (KAJ)

PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE
FUND, C.A. No. 05-467 (KAJ)

CINDY CRONIN, C.A. No. 05-482 (KAJ)

CHARLES SHAIN and SANDRA KRONE,
C.A. No. 05-475 (KAJ)

LOCAL 28 SHEET METAL WORKERS, C.A.
No. 05-516 (KAJ)

ALBERTO LITTER, C.A. No. 05-695 (KAJ)

INDIRECT PURCHASER PLAINTIFFS' MOTION FOR APPOINTMENT OF
CLASS COUNSEL

1. Indirect Purchaser Plaintiffs (“End-Payor Plaintiffs”) hereby move this Court for the entry of Pre-Trial Order No. 2 in the form submitted herewith appointing class counsel pursuant to Federal Rule of Civil Procedure 23(g) as follows:

Chimicles & Tikellis LLP	Liaison Counsel
Labaton Sucharow & Rudoff LLP	Co-Lead Counsel
Hagens Berman Sobol Shapiro LLP	Co-Lead Counsel
Miller Faucher and Cafferty LLP	Co-Lead Counsel
Spector Roseman and Kodroff, P.C.	Co-Lead Counsel

2. Pursuant to Pretrial Order No. 1 Regarding Consolidation of Indirect Purchaser Class Actions and Coordination of Indirect Purchaser Class Actions with Direct Purchaser Actions and Direct Purchaser Individual Actions [D.I. #9], Liaison Counsel and Co-Lead Counsel were appointed on behalf End-Payor Plaintiffs and the putative class of end-payors they seek to represent. Contemporaneously with the filing of the instant motion, End-Payor Plaintiffs are moving for class certification pursuant to Fed. R. Civ. P. 23(b)(2) and (b)(3). Should the Court grant End-Payor Plaintiffs’ class certification motion it will be required to appoint “class counsel” pursuant to Fed. R. Civ. P. 23(g). The instant motion thus seeks to have Liaison Counsel and Co-Lead Counsel continue in the same capacities and with the same responsibilities as “class counsel” in the event End-Payor Plaintiffs’ class certification motion is granted.

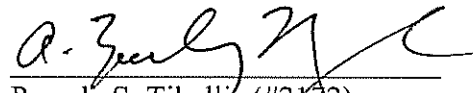
3. In Support of their Motion, End-Payor Plaintiffs have concurrently filed their Brief in Support of their Motion for Appointment of Class Counsel and the Declaration of Patrick E. Cafferty in Support of End-Payor Plaintiffs’ Motion for Appointment of Class Counsel.

4. Attached hereto is certification pursuant to Local Rule 7.1.1 that counsel for End-Payor Plaintiffs have been advised that Defendants **do not** oppose Indirect Purchaser Plaintiffs' Motion for Appointment of Class Counsel with the condition that Defendants **do** oppose Indirect Purchaser Plaintiffs' Motion for Class Certification.

WHEREFORE, End-Payor Plaintiffs respectfully request entry of the attached Order granting this Motion.

Dated: May 8, 2006

CHIMICLES & TIKELLIS LLP



Pamela S. Tikellis (#2172)

Robert J. Kriner, Jr. (#2546)

A. Zachary Naylor (#4439)

P.O. Box 1035

One Rodney Square

Wilmington, DE 19899

Tel: 302-656-2500

Fax: 302-656-9053

*Interim Liaison Counsel for End-Payor
Plaintiffs*

**LABATON SUCHAROW
& RUDOFF LLP**

Bernard Persky

Christopher J. McDonald

Kellie C. Safar

100 Park Avenue

New York, NY 10001

*Interim Co-Lead Counsel for End-
Payor Plaintiffs*

**SPECTOR ROSEMAN
& KODROFF, P.C.**

Jeffrey L. Kodroff

Theodore M. Lieverman

Simon B. Paris

1818 Market Street, Suite 2500

Philadelphia, PA 19103

*Interim Co-Lead Counsel for End-Payor
Plaintiffs*

**MILLER FAUCHER
and CAFFERTY LLP**

Bryan L. Clobes
William R. Kane
One Logan Square
18 & Cherry Streets, Suite 1700
Philadelphia, PA 19103

-and-

Patrick E. Cafferty
101 N. Main Street, Suite 450
Ann Arbor, MI 48101

-and-

Marvin A. Miller
Jennifer W. Sprengel
30 N. LaSalle St. Suite 3200
Chicago, IL 60602

*Interim Co-Lead Counsel for End-
Payor Plaintiffs*

**HAGENS BERMAN
SOBOL SHAPIRO LLP**

Thomas M. Sobol
David S. Nalven
Gregory H. Matthews
One Main Street, 4th Floor
Cambridge, MA 02142

-and-

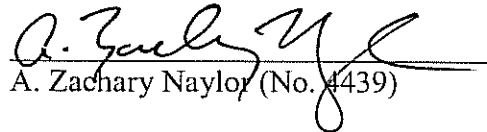
Steve W. Berman
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101

*Interim Co-Lead Counsel for End-Payor
Plaintiffs*

RULE 7.1.1 CERTIFICATE

I hereby certify that I have raised the subject of the Indirect Purchaser Plaintiffs' Motion for Appointment of Class Counsel with Anne S. Gaza, Esquire of Richards Layton and Finger, counsel for the Defendants Fournier Industrie et Sante, and Laboratoires Fournier, S.A. and James W. Parrett, Jr., Esquire of Morris Nichols Arsh & Tunnell LLP, counsel for Defendant Abbott Laboratories. I have been advised that the Defendants do not oppose Indirect Purchaser Plaintiffs' Motion for Appointment of Class Counsel with the condition that Defendants do oppose Indirect Purchaser Plaintiffs' Motion for Class Certification.

Dated: May 8, 2006


A. Zachary Naylor (No. 4439)